

**Remarks:**

**I. Introduction**

In the Office Action mailed on October 18, 2007, the Examiner rejected claims 1 to 7, 10 to 14, and 17 to 20. The present amendment cancels no claims, amends claims 1, 11, and 18, and adds no new claims. Accordingly, claims 1 to 7, 10 to 14, and 17 to 20 remain pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 10, 11, 17, 18, and 20 under 35. U.S.C. § 102(b) as unpatentable over Matsumoto (US 5,793,007).

Matsumoto discloses a parking brake apparatus having a position detecting switch (56) which detects the position of the foot lever (20). The switch (56) includes a knob (56a) formed of an insulating material (column 5, line 4) which is axially moved in and out by rotation of the lever (20) to open and close an electric circuit (by separating and contacting a conductive switch plate (110) with a conductive contact plate (118) to selectively illuminate a lamp to indicate the position of the lever (20). A leaf spring (52) is secured to a base bracket (24) by a bolt (54). The leaf spring (52) extends between the switch knob (56a) and the lever (20) to reduce wear on the switch knob (56a) which would occur due to friction if the lever (20) directly engaged and slid on the switch knob (56a) (see column 9, lines 27 to 40) and to reduce non-axial forces engaging the switch knob (56a) as the lever (20) rotates (see column 9, lines 41 to 52). While the leaf spring (52) and its fastener (54) are conductive, they are not part of the electrical circuit of the switch (56). In fact, they are electrically isolated from the electrical switch (56) because the leaf spring (52) contacts the switch knob (56a) which is formed of an insulating material. In contrast, the present invention specifically includes the fastener as part of the electric circuit of the switch.

Independent claims 1, 11, and 18, and claims dependent therefrom, are allowable because they each include the limitations of "wherein said switch extends to the mounting hole to contact the fastener in the mounting hole to connect the switch to ground" and "wherein operation of the electrical switch opens an electric circuit including the fastener when the lever is in the brake-releasing position and closes the electric circuit including the fastener when the lever is in the brake-engaging position." No prior art of record reasonably discloses the present

invention as defined by independent claims 1, 11, and 18. Reconsideration and withdrawal of the rejection is requested.

### **III. Claim Rejections Based on 35 U.S.C. § 103(a)**

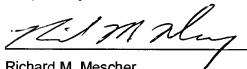
The Examiner rejected claims 3 to 7, 12 to 14, 17, and 19 under 35. U.S.C. § 103(a) as unpatentable over Matsumoto (US 5,793,007) in view of Schantz et al. (US 4,230,919).

Dependent claims 3 to 7, 12 to 14, 17 and 19 are allowable as depending from allowable independent claims 1, 11 and 18 as discussed as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

### **IV. CONCLUSION**

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



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